

Staff Summary Report

Council Meeting Date: 04/03/08

Agenda Item Number: _____

SUBJECT: Request approval of the reappointment of Presiding Judge Louraine C. Arkfeld for a four-year term.

DOCUMENT NAME: 20080403ccms01 **COURT ADMINISTRATION (0501-02)**

SUPPORTING DOCS: Yes

COMMENTS: Presiding Judge Louraine C. Arkfeld was first appointed Presiding Judge of the Tempe Municipal Court for a two-year term in May 1994. She was subsequently reappointed in 1996, 1998, 2000, 2002, 2004 and 2006. She is currently eligible for another reappointment in May 2008.

PREPARED BY: Mark Stodola, Court Manager, 480-350-8457

REVIEWED BY: Judicial Advisory Board

LEGAL REVIEW BY: Andrew Ching, City Attorney, 480-350-8575

FISCAL NOTE: See Contract

RECOMMENDATION: That the Mayor and Council reappoint Presiding Judge Louraine C. Arkfeld for a four-year term.

ADDITIONAL INFO: The Judicial Advisory Board convened on February 19, 2008 to consider Presiding Judge Arkfeld's reappointment per Tempe City Code. A public hearing was also held on that date.

The Council appointed Board members are:

Dr. Judy Aldrich, Chair

Public Member

Honorable Mark Aceto

Judge, Maricopa County Superior Court

Thomas E. Klobas, Esq.

State Bar of Arizona member

Margaret Stockton

Public Member

Brad Tebow, Esq.

State Bar of Arizona Member

The Judicial Advisory Board reviewed written input from attorneys, defendants, witnesses, and others; reviewed the "State of the Court" report; considered the testimony provided by those persons appearing at the Public Hearing; and also interviewed Judge Arkfeld.

Following the above activities, the Judicial Advisory Board reviewed the written self assessment by Judge Arkfeld, deliberated, and then unanimously recommended Judge Arkfeld for reappointment as Presiding Judge, and also recommended the term of her employment contract be increased from two to four years, effective May 23, 2008.

AGREEMENT

THIS AGREEMENT is entered into the date below, signed by and between Louraine Arkfeld (Employee) and the City of Tempe (City).

I.

The City and Employee desire to enter into a contract for employment by the City of Employee in the position of Presiding City Court Judge.

II.

This Agreement is based on the Arizona Constitution's requirement of separation of powers and the necessity of judicial independence to preserve and protect that separation. This Agreement shall set forth the parameters, guidelines, duties and rules of conduct, and compensation during the term of this Agreement. It is agreed as follows:

1. TERM. This Agreement shall be effective from May 23, 2008 through May 22, 2012.

2. COMPENSATION. A salary range of \$120,611 to 162,825 shall be established for the position of Presiding City Judge, which range may be adjusted in accordance with standard City policy and procedure. Employee shall be paid the annual sum of \$162,825.00 in 26 biweekly installments for the period of May 23, 2008 through May 22, 2009. Employee shall then receive a step increase of up to five percent (5%) of Employee's salary based upon satisfactory performance of Employee's duties as determined by the City Council at the beginning of each year of contract starting with May 23, 2009 until the Employee has reached to the top of the Employee's salary range. Employee shall receive all other City benefits which are otherwise available to unclassified, exempt City of Tempe employees including normal Arizona State Retirement benefits. In addition, Employee shall be paid an amount equal to ten percent (10%) of base salary as annual pension contributions to the City of Tempe 457 Plan or 401 (K) Plan or other retirement plan(s) of her choice.

3. DUTIES. Employee shall perform the duties of Presiding City Court Judge pursuant to all laws, ordinances, and rules of the State of Arizona, City of Tempe, and Arizona Supreme Court.

4. CONDITIONS OF EMPLOYMENT.

a) Employee shall preside as Presiding Judge over the Tempe Municipal Court System and other judges of the Tempe Municipal Court whether full time or judge pro tem.

b) Employee shall at all times ensure that her conduct as Judge of the City Court of the City of Tempe does not violate Administrative Order Revised No. 96-32 of the

Supreme Court of Arizona, the Code of Judicial Conduct, Rule 45 of the Rules of the Arizona Supreme Court, and any other Rule or law governing the conduct of judges during the terms of this contract.

c) Employee shall not during her term of employment commit any act which would be grounds for dismissal pursuant to Rule 4 of the Personnel Rules and Regulations of the City of Tempe.

5. TERMINATION. During the term of this Agreement, the employee may be removed from office for violation of this Agreement by the City Council of the City of Tempe. Notice of removal of office shall be delivered in writing to the Employee and Employee shall have the right to request a hearing before the City Council of the City of Tempe. Any such request for hearing and any hearing shall be in accordance with Rule 1, Section 105(B), (4), (C), (D), and (E) of the Personnel Rules and Regulations of the City of Tempe, except that said hearing shall be before the City Council of the City of Tempe and not the Merit System Board.

DATED this _____ day of _____, 2008.

Hugh Hallman, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Louraine Arkfeld